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10/689,737

10/22/2003

Takeshi Funabashi

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05/15/2006

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EXAMINER

HANNAHER, CONSTANTINE

ART UNIT

PAPER NUMBER

2884

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,737

Applicant(s)

FUNABASHI, TAKESHI

Examiner

Constantine Hannaher

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20060412</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shoji (US006433341B1).

With respect to independent claim 1, Shoji discloses a radiation detecting cassette 40 (Fig. 1) comprising a solid state radiation detector 30 for detecting radiation bearing image data and outputting an image signal **D** representing a radiation image, a case 41 for housing the solid state radiation detector 30 (Fig. 2), a reception means 46 for receiving order data **C** for imaging from an external device 21 (Fig. 3), a memory 45 for recording the received order data **C**, and a transmission means 46 for relating the recorded order data **C** and the image signal **D** output from the solid state radiation detector 30, and transmitting the image signal **D** to the external device 21. See especially column 5, lines 9-11, column 7, lines 37-49, and column 8, lines 17-33.

With respect to dependent claim 3, the order data **C** in the cassette of Shoji is data of the recited type (column 3, lines 49-60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 6, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoji (US006433341B1) in view of Tamakoshi *et al.* (US006806487B2).

With respect to dependent claim 2, Shoji discloses a radiation image data management system comprising the radiation detecting cassette 40 as recited (see the explanation of the rejection of claim 1), an order data management system (networked consulting room) for managing order data for imaging (column 8, lines 34-41), and an order data reception terminal 21 for receiving order data from the order data management system. Although in the system of Shoji it is the photographer-radiologist who brings the cassette 40 into the photographing room and performs the transfer of data C from terminal 21 (column 8, lines 49-51), Tamakoshi *et al.* shows (Fig. 4) that the use of a sensor 24 for detecting that the radiation detecting cassette 6 has entered a position near the site of radiographing (column 17, lines 48-56 in view of the wireless engineering for element 62 and its reader 24 at column 9, lines 48-59) is known. In view of the reduction of effort for the photographer-radiologist, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shoji to automate the determination that a radiation detecting cassette 40 is to be used to obtain a radiation image by providing a sensor 24 of the type suggested by Tamakoshi *et al.* and a transmission means for receiving a detection signal from the sensor 24 such that transmission of the order data C received by the order data reception terminal 21 in the system of Shoji was made to the radiation detecting cassette 40 upon its proximity to the place of radiographing. The system of Shoji further comprises a reception means 21 for receiving the related order data C and the image signal D, transmitted by the transmission means 46 of the radiation detecting cassette 40, when image obtainment is complete (Fig. 3, column 9, lines 17-21).

With respect to dependent claims 4, 6, and 5, the transmission and reception taught by Shoji is a performance of wireless communication (column 5, lines 8-10).

Response to Submission(s)

5. The amendment filed April 12, 2006 has been entered.
6. Applicant's arguments filed April 12, 2006 have been fully considered but they are not persuasive.

Applicant argues that connection terminal 46 in Shoji is not a reception means of the type recited because the "connection terminal in FIG. 1 of Shoji is for outputting the image data stored in the image memory. It does not receive order data for imaging from an external device. Shoji only discusses the connection terminal as outputting image data, it is not taught as being a receiver of outside data from an external source." The Examiner points to Fig. 3, column 5, lines 9-11, column 7, lines 37-49, and column 8, lines 17-33 again.

Applicant argues that element 24 of Tamakoshi *et al.* is a bar code reader. The Examiner points to column 10, lines 10-11. Applicant argues that Shoji has only one transmission means. The Examiner points to Fig. 3 and column 8, lines 49-51.

For at least the reasons explained above, Applicant is not entitled to a favorable determination of patentability in view of the arguments submitted April 12, 2006.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Constantine Hannaher whose telephone number is (571) 272-2437. The examiner can normally be reached on Monday-Friday with flexible hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Constantine Hannaher
Primary Examiner